

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To promote the establishment of resident organizations and provide additional amounts for tenant organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. RAMIREZ introduced the following bill; which was referred to the Committee on _____

A BILL

To promote the establishment of resident organizations and provide additional amounts for tenant organizations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tenants’ Right to Or-
5 ganize Act”.

1 **SEC. 2. SENSE OF THE CONGRESS.**

2 It is the sense of the Congress that all members of
3 a household receiving tenant-based rental assistance have
4 the right to “decent, safe, stable and sanitary housing”.

5 **SEC. 3. HOUSING CHOICE VOUCHER TENANT ORGANIZA-**
6 **TIONS.**

7 Section 8(o) of the United States Housing Act of
8 1937 (42 U.S.C. 1437f(o)) is amended by adding at the
9 end the following:

10 “(23) RIGHT TO ORGANIZE.—

11 “(A) IN GENERAL.—Tenants receiving ten-
12 ant-based rental assistance have the right to es-
13 tablish, operate, and participate in a resident
14 organization for the purpose of addressing
15 issues related to their living environment, which
16 includes the terms and conditions of their ten-
17 ancy as well as activities related to housing and
18 community development and may not be retali-
19 ated against for asserting these rights.

20 “(B) REQUIRED ENGAGEMENT.—

21 “(i) PUBLIC HOUSING AGENCIES.—

22 Each public housing agency shall—

23 “(I) recognize legitimate tenant
24 organizations;

1 “(II) solicit comments from all
2 legitimate tenant organizations not
3 less than once each year; and

4 “(III) not later than 60 days
5 after receiving a comment from a le-
6 gitimate tenant organization, mean-
7 ingfully respond in writing to such
8 comment.

9 “(ii) OWNERS OF UNITS.—Each
10 owner—

11 “(I) shall recognize legitimate
12 resident organizations; and

13 “(II) may not retaliate with re-
14 spect to any tenant because of their
15 association with a legitimate resident
16 organization.

17 “(C) PROTECTIONS.—

18 “(i) IN GENERAL.—Each public hous-
19 ing agency and each owner may not inter-
20 fere with the right of tenants to establish
21 and operate a legitimate tenant organiza-
22 tion.

23 “(ii) PROTECTED ACTIVITIES.—Each
24 public housing agency and each owner
25 shall allow tenants and tenant organizers

1 to conduct the following activities related
2 to the establishment or operation of a ten-
3 ant organization:

4 “(I) Distributing leaflets in lobby
5 areas.

6 “(II) Placing leaflets at or under
7 tenants’ doors.

8 “(III) Distributing leaflets in
9 common areas.

10 “(IV) Initiating contact with ten-
11 ants.

12 “(V) Conducting door-to-door
13 surveys of tenants to ascertain inter-
14 est in establishing a legitimate tenant
15 organization and to offer information
16 about tenant organizations.

17 “(VI) Posting information on
18 bulletin boards.

19 “(VII) Assisting tenants to par-
20 ticipate in tenant organization activi-
21 ties.

22 “(VIII) Convening regularly
23 scheduled tenant organization meet-
24 ings in a space on site and accessible
25 to tenants, in a manner that is fully

1 independent of management rep-
2 resentatives. In order to preserve the
3 independence of tenant organizations,
4 management representatives may not
5 attend such meetings unless invited by
6 the tenant organization to specific
7 meetings to discuss a specific issue or
8 issues.

9 “(IX) Other reasonable activities
10 related to the establishment or oper-
11 ation of a tenant organization.

12 “(iii) PERMISSION.—A public housing
13 agency or owner may not require tenants
14 or tenant organizers to obtain prior per-
15 mission before engaging in the activities
16 permitted under this paragraph.

17 “(iv) PRESUMPTION.—If a public
18 housing agency or owner takes an adverse
19 action against a tenant that is a member
20 of a tenant organization there shall be a
21 rebuttable presumption that such adverse
22 action is an act of retaliation relating to
23 the participation of the tenant in the ten-
24 ant organization.

25 “(D) ENFORCEMENT PROTOCOL.—

1 “(i) IN GENERAL.—The Secretary
2 shall, not later than 1 year after the date
3 of the enactment of this paragraph, estab-
4 lish a protocol for the enforcement of this
5 paragraph and such protocol shall—

6 “(I) include an independent in-
7 vestigation of tenant and advocate al-
8 legations of abuse and retaliation;

9 “(II) provide a mechanism for
10 administrative complaints to be made
11 and cataloged;

12 “(III) keep tenants regularly in-
13 formed about the progression of any
14 complaint;

15 “(IV) prohibit the withholding of
16 tenant-based rental assistance from
17 any tenant that makes a complaint,
18 until such complaint is closed; and

19 “(V) provide confidentiality
20 where necessary, including in cases
21 where alleged abuse is extreme and
22 targeted.

23 “(ii) DELEGATION.—In developing the
24 enforcement protocol under clause (i), the

1 Secretary may use subcontractors to
2 preform enforcement activities.

3 “(iii) REPORT.—The Secretary shall,
4 each quarter submit to Committee on Fi-
5 nancial Services of the House of Rep-
6 resentatives and the Committee on Bank-
7 ing, Housing, and Urban Affairs, a report
8 with respect to the enforcement of this
9 paragraph that—

10 “(I) provides all data at both the
11 property-level and jurisdiction-level;
12 and

13 “(II) includes information with
14 respect to—

15 “(aa) the volume of out-
16 standing complaints;

17 “(bb) the average response
18 time for initial complaint; and

19 “(cc) the average time it
20 takes to close a complaint.

21 “(iv) AUTHORIZATION OF APPROPRIA-
22 TIONS.—There are authorized to be appro-
23 priated, to the Secretary, such sums as are
24 necessary to carry out this paragraph.

25 “(E) NOTICE OF RIGHT TO ORGANIZE.—

1 “(i) IN GENERAL.—Each public hous-
2 ing agency shall notify each tenant receiv-
3 ing tenant-based rental assistance of the
4 right to organize described in subpara-
5 graph (A) annually during the recertifi-
6 cation process.

7 “(ii) TENANCY ADDENDUM.—The
8 Secretary shall update the most recent
9 Tenancy Addendum for the Section 8 Ten-
10 ant-Based Assistance Housing Choice
11 Voucher Program to describe the right to
12 organize provided for in this subsection.

13 “(G) DEFINITIONS.—In this paragraph:

14 “(i) TENANT ORGANIZER.—The term
15 ‘tenant organizer’ means a tenant or non-
16 tenant who assists tenants in establishing
17 and operating a tenant organization, and
18 who is not an employee or representative of
19 current or prospective owners, managers,
20 or their agents.

21 “(ii) LEGITIMATE TENANT ORGANIZA-
22 TION.—The term ‘legitimate tenant organi-
23 zation’ means an organization of 3 more
24 tenants receiving tenant-based rental as-

1 sistance that has been established for the
2 purpose described in subparagraph (A).

3 “(iii) OWNER.—The term owner
4 means a person who owns a dwelling unit
5 occupied by a tenant that receives rental
6 assistance.”.

7 **SEC. 4. LIHTC TENANT ORGANIZATIONS.**

8 (a) IN GENERAL.—Section 42(g) of the Internal Rev-
9 enue Code of 1986 is amended by adding at the end the
10 following new paragraph:

11 “(10) LIHTC TENANT ORGANIZATIONS.—

12 “(A) RIGHTS OF TENANTS.—Tenants of
13 rent-restricted units in any qualified low-income
14 housing project shall have the same right as
15 tenants described in section 8(o)(23)(A) of the
16 United States Housing Act of 1937.

17 “(B) RESPONSIBILITIES OF OWNERS.—

18 “(i) Each owner of qualified low-in-
19 come housing project must meet the re-
20 quirements in subparagraphs (B)(ii) and
21 (C) of section 8(o)(23) of the United
22 States Housing Act of 1937.

23 “(ii) If an owner fails to meet the re-
24 quirements referred to in clause (i) with
25 respect to any qualified low-income housing

1 project, the credits allowed under this sec-
2 tion with respect to such project shall be
3 disallowed or recaptured in an amount that
4 is proportionate to the violation, as deter-
5 mined by the Secretary, but in no case less
6 than 5 percent of the credits claimed dur-
7 ing the taxable year during which the vio-
8 lation occurred.

9 “(iii) In the case of any failure re-
10 ferred to in clause (ii) that occurs after the
11 expiration of the project’s compliance pe-
12 riod (as determined under subsection
13 (i)(1)), the Secretary shall levy fines in ac-
14 cordance with a schedule determined by
15 the Secretary that shall establish fines of
16 not less than \$500 per day for each day
17 after the end of the correction period es-
18 tablished by the Secretary. The Secretary
19 shall establish such schedule not later than
20 120 days after the date of the enactment
21 of this Act. The Secretary may delegate its
22 duty to levy fines to the State housing
23 credit agencies.

1 “(C) RESPONSIBILITIES OF STATE HOUS-
2 ING AGENCIES.—

3 “(i) Each State housing credit agency
4 must meet the requirements which are the
5 same as the requirements of subparagraph
6 (B)(i) and (C) of section 8(o)(23) of the
7 United State Housing Act f 1937.

8 “(ii) If a State housing credit agency
9 fails to meet the requirements referred to
10 in clause (i), there shall be a reduction in
11 the State housing credit agency’s State
12 housing credit ceiling (as calculated under
13 subsection (h)(3)(C)) during the calendar
14 year following a violation in an amount de-
15 termined by the Secretary.

16 “(D) ESTABLISHMENT OF PRIVATE RIGHT
17 TO ACTION.—Individuals who meet the income
18 limitation applicable to the building under this
19 subsection (whether prospective, present, or
20 former occupants of the building) may file an
21 action at law or in equity, in Federal or State
22 court, including for injunctive relief, to enforce
23 the various provisions of this section.

1 “(E) ENFORCEMENT PROTOCOL.—The
2 Secretary, after consultation with the Secretary
3 of Housing and Urban Development, shall—

4 “(i) establish a protocol for the en-
5 forcement of this paragraph which is the
6 same as the protocol established under sec-
7 tion 8(o)(23)(D)(i) of the United States
8 Housing Act of 1937, except that, for pur-
9 poses of this subparagraph, the reference
10 in such section to ‘tenant-based rental as-
11 sistance’ shall be treated as a reference to
12 the right of the tenant to occupy a rent-re-
13 stricted unit and to any other right or
14 privilege required to be provided to such
15 tenant as a condition of the project being
16 treated as a qualified low-income housing
17 project, and

18 “(ii) submit each quarter to the Com-
19 mittee on Ways and Means of the House
20 of Representatives and the Committee on
21 Finance of the Senate a report containing
22 the information described in section
23 8(o)(23)(D)(ii) of the United States Hous-
24 ing Act of 1937 with respect to the en-

1 forcement of this paragraph with respect
2 to qualified low-income housing projects.

3 “(F) NOTICE OF RIGHT TO ORGANIZE.—
4 Each State housing credit agency shall annually
5 notify each owner and tenant of a rent-re-
6 stricted unit of a qualified low-income housing
7 project of the right to organize referred to in
8 subparagraph (A).”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall apply to taxable years beginning after
11 the date of the enactment of this Act.

12 **SEC. 5. FUNDING FOR TENANT AND OTHER PARTICIPATION**
13 **AND CAPACITY BUILDING.**

14 Paragraph (3) of section 514(f) of the Multifamily
15 Assisted Housing Reform and Affordability Act of 1997
16 (42 U.S.C. 1437f note) is amended—

17 (1) in subparagraph (A)—

18 (A) in the first sentence—

19 (i) by striking “not more than” and
20 inserting “not less than”;

21 (ii) by striking “of low-income housing
22 for which project-based rental assistance is
23 provided at below market rent levels and
24 may not be renewed (including transfer of
25 developments to tenant groups, nonprofit

1 organizations, and public entities), for ten-
2 ant services” and inserting the following:
3 “and improvement of low-income housing
4 for which project-based rental assistance,
5 public housing subsidies, low-income hous-
6 ing tax credits, Federal or State subsidized
7 loans, enhanced vouchers under section
8 8(t), or project-based vouchers under sec-
9 tion 8(o) are provided or proposed”; and

10 (iii) in the second parenthetical
11 clause, by inserting before the closing pa-
12 renthesis the following: “, and
13 predevelopment assistance to enable such
14 transfers”; and

15 (B) by inserting after the period at the end
16 the following: “For outreach and training of
17 tenants and technical assistance, the Secretary
18 shall implement a grant program utilizing per-
19 formance-based outcome measures for eligible
20 costs incurred. Recipients providing capacity
21 building or technical assistance services to ten-
22 ant groups shall be qualified nonprofit State-
23 wide, countywide, area-wide, or city-wide orga-
24 nizations with demonstrated experience includ-
25 ing at least a two-year recent track record of

1 organizing and providing assistance to tenants,
2 and independence from the owner, a prospective
3 purchaser, or their managing agents. The Sec-
4 retary may provide assistance and training to
5 grantees in administrative and fiscal manage-
6 ment to ensure compliance with applicable Fed-
7 eral requirements. The Secretary shall expedite
8 the provision of funding for the fiscal year in
9 which the date of the enactment of this Act oc-
10 curs and by entering into an interagency agree-
11 ment for not less than \$1,000,000 with the
12 Corporation for National and Community Serv-
13 ice to conduct a tenant outreach and training
14 program to eligible housing under this sub-
15 section. The Secretary shall also make available
16 flexible grants to qualified nonprofit organiza-
17 tions that do not own eligible multifamily prop-
18 erties, for tenant outreach in underserved areas,
19 and to experienced national or regional non-
20 profit organizations to provide specialized train-
21 ing or support to grantees assisted under this
22 section. Notwithstanding any other provision of
23 law, funds authorized under this paragraph for
24 any fiscal year shall be available for obligation
25 in subsequent fiscal years. The Secretary shall

1 require each recipient of amounts made avail-
2 able pursuant to this subparagraph to submit
3 to the Secretary reports, on a quarterly basis,
4 detailing the use of such funds and including
5 such information as the Secretary shall re-
6 quire.”.

7 **SEC. 6. CLARIFICATION OF TENANT PARTICIPATION IN**
8 **MULTI-FAMILY PROJECTS.**

9 Section 202(a) of the Housing and Community De-
10 velopment Amendments of 1978 (12 U.S.C. 1715z–1b(a))
11 is amended by striking “under section 1437f of title 42”
12 and inserting “under section 1437f of title 42, including
13 a project assisted under section 8(o)(13) of the Housing
14 Act of 1937”.

15 **SEC. 7. RULEMAKING.**

16 The Secretary of Housing and Urban Development
17 shall, not later than 1 year after the date of the enactment
18 of this section, issue a rule revising section 964.150 of
19 title 24, Code of Federal Regulations, to permit housing
20 agencies to fund \$25 per unit per year for units rep-
21 resented by duly elected resident councils for resident serv-
22 ices.

23 **SEC. 8. SURVEY.**

24 (a) IN GENERAL.—The Secretary of Housing and
25 Urban Development shall, not later than 1 year after the

1 date of the enactment of this section, develop a resident
2 survey protocol based on the National Standards for the
3 Physical Inspection of Real Estate, that is designed to col-
4 lect insights on resident experiences with the inspection
5 process.

6 (b) USE OF INFORMATION.—Information collected
7 through the survey protocol developed pursuant to sub-
8 section (a) shall be used to—

- 9 (1) identify inspection-related challenges for
10 residents;
11 (2) improve the satisfaction of residents with
12 respect to their housing conditions;
13 (3) ensure resident voices are heard; and
14 (4) provide quality control.